

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**MARY LOU FIENI,** :  
**Plaintiff,** :  
                          :  
                          :  
**v.**                   :  
                          :  
**FRANCISCAN CARE CENTER,** :  
**Defendant.**       :

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**ORDER**

**AND NOW**, this 30th day of September 2011, upon consideration of Defendant Franciscan Care Center's Motion for Summary Judgment [Doc. No. 11], and all related briefing in opposition to and in support of that motion, and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that Defendant's Motion is **GRANTED in part and DENIED in part**, as follows:

1.     Defendant's Motion for Summary Judgment is **GRANTED** as to Count One of Plaintiff's Complaint, and as to Plaintiff's retaliation claims in Count Two.
2.     Defendant's Motion for Summary Judgment is **DENIED** as to Plaintiff's disability discrimination claims in Count Two.

It is so **ORDERED**.

**BY THE COURT:**

/s/ **Cynthia M. Rufe**

**Hon. CYNTHIA M. RUGE**  
**United States District Judge**